



ARIZONA HOUSE OF REPRESENTATIVES

HB 2226: compact; balanced budget; convention

PRIME SPONSOR: Representative Mesnard, LD 17

BILL STATUS: [Caucus and COW](#)

FPRPP: DP (6-3-0-0)

Legend:

CEO – Chief Executive Officer

Amendments – **BOLD** and ~~Stricken~~ (Committee)

Abstract

Relating to the enactment of a compact for a balanced budget amendment under Article V of the US Constitution.

Provisions

DECLARATION OF POLICY, PURPOSE AND INTENT

1. Declares that every state enacting, adopting and agreeing to be bound by this compact intends to ensure that their legislature's use of the power to originate an Article V balanced budget amendment will be conveniently exercised and knows with reasonable certainty as to the consequences. In consideration of their expressed mutual promises and obligations, be it enacted by every state agreeing to be bound by this compact, and resolved by each of their legislatures, to exercise all of their powers that are set forth and notwithstanding any law that is contrary. (Sec. 1)

COMPACT MEMBERSHIP AND WITHDRAWAL

2. Specifies this compact governs each member state to the fullest extent permitted by their constitutions, and supersedes and repeals any conflicting or contrary law. (Sec. 1)
3. States that by becoming a member state, each state offers, promises and agrees to perform and comply with the terms and conditions of this compact. In addition to having the force of law in each member state upon its effective date, this compact and each of its articles are contractually binding in each member state when:
 - a. At least one other state has become a member state by enacting identical legislation agreeing to be bound by this compact; and
 - b. Notice of a state's member state status is or has been received by the compact administrator or by the CEO of each other member state. (Sec. 1)
4. Requires legislation agreeing to be bound by this compact to be deemed as substantively identical with respect to other legislation enacted by another state for purposes of determining member status notwithstanding:
 - a. Any difference with regard to the respective enacting state's own method of appointing its member to the commission;
 - b. Any difference with regard to the number and identity of each delegate appointed on behalf of the enacting state, provided that no more than three delegates may attend and participate in the convention on behalf of any state; or

☐ Prop 105 (45 votes) ☐ Prop 108 (40 votes) ☒ Emergency (40 votes) ☐ Fiscal Note

- c. Any difference with regard to the enacting state as to whether Section 1 of Article V will survive the termination of the compact and become a continuing resolution of the legislature applying to Congress for the calling of an Article V convention of the states. (Sec. 1)
- 5. Permits any member state to withdraw from this compact, if fewer than three-fourths of the states agree to join, by enacting legislation and giving notice of the withdrawal to the compact administrator or to the CEO of each other member state. (Sec. 1)
- 6. Mandates that a withdrawal must not affect the validity of the compact with respect to remaining member states, provided that at least two states remain. Once three-fourths of the states are member states, then no member state may withdraw from the compact prior to its termination absent unanimous consent of all member states. (Sec. 1)

COMPACT COMMISSION AND COMPACT ADMINISTRATOR

- 7. Establishes the compact Commission with the following duties:
 - a. Appoint and oversee a compact administrator;
 - b. Encourage states to join the compact and Congress to call the convention in accordance with the compact;
 - c. Coordinate the performance of obligations under the compact;
 - d. Oversee the convention's logistical operations as appropriate to ensure this compact governs its proceedings;
 - e. Oversee the defense and enforcement of the compact in appropriate legal venues;
 - f. Request funds and to disburse those funds to support the operations of the commission, compact administrator and convention; and
 - g. Cooperate with any entity that shares a common interest with the Commission and engages in policy research, public interest litigation or lobbying in support of the purposes of the compact. (Sec. 1)
- 8. Requires the Commission to have implied powers that are essential to carrying out these duties and it must take no action that is inconsistent with this compact or any law of any state that is not superseded by this compact. The Commission may adopt and publish by-laws and policies. (Sec. 1)
- 9. Describes the Committee membership which consists of three unpaid members. Each member state may appoint one member to the Commission through an appointment process determined by the CEO until all positions are filled. Positions must be assigned to appointees in order of when a state joined the compact; and the bylaws of the Commission may expand its membership to include representatives of additional member states. There may be room for salaries and reimbursement of expenses if there is adequate funding. (Sec. 1)
- 10. Allows for each member to be entitled to one vote and must not act unless a majority of its appointed membership is present and no action is binding unless approved by a majority of the commission's appointed membership. (Sec. 1)
- 11. Requires the Commission to meet at least once a year but may meet more frequently. (Sec. 1)
- 12. Mandates the Commission to elect from among its membership a chair, determine a primary place of doing business and appoint a compact administrator. (Sec. 1)
- 13. Requires the Commission and compact administrator's activities to be funded exclusively by each member state or by voluntary donations. (Sec. 1)
- 14. Establishes the powers and duties of the compact administrator as follows:
 - a. Notify the states of the date, time and location of the convention;
 - b. Organize and direct the logistical operations of the convention;

- c. Maintain an accurate list of all member states and their appointed delegates including contact information; and
 - d. Formulate, transmit and maintain all official notices, records and communication relating to this compact. (Sec. 1)
- 15. Requires the compact administrator to have implied powers that are essential to carrying out these duties, and it must take no action that is inconsistent with this compact or any law of any state that is not superseded by this compact. The administrator serves at the pleasure of the Commission and must keep the Commission notified of the performance or nonperformance of the terms and conditions of this compact. (Sec. 1)
- 16. Authorizes the compact administrator to immediately send notices to all recipients with certified copies of the chaptered version of this compact as follows:
 - a. Whenever any state becomes a member state, notice should be given;
 - b. When at least three-fourths of the states are member states, notice should be given with a statement declaring that the legislatures of at least two-thirds of the states have applied for a convention for proposing amendments under Article V of the U.S. Constitution, petitioning Congress to call the convention and requesting cooperation in organizing the convention;
 - c. Once Congress is called, the convention notice should be given with the date, time and location;
 - d. Upon approval of the balanced budget amendment by the convention, notice should be given with the transmission of certified copies of the approved proposed amendment and a statement requesting Congress to refer the same for ratification by three-fourths of the legislatures; and
 - e. When any article of this compact is effective in any member state, notice should be given with a statement declaring the ratification and further requesting cooperation in ensuring that the official record confirms and reflects the effective corresponding amendment to the U.S. Constitution. (Sec. 1)
- 17. States that whenever a member state enacts legislation withdrawing from the compact, the compact administrator must send certified copies of the chaptered version of the legislation to each CEO of each remaining member state. (Sec. 1)
- 18. Authorizes the Commission, member states and compact administrator to cooperate with each other and give mutual assistance to enforce this compact. They must give the chief law enforcement officer of each member state any information that is necessary to facilitate the enforcement of this compact. (Sec. 1)
- 19. Clarifies that this article does not take effect until there are at least two member states. (Sec. 1)

RESOLUTION APPLYING FOR CONVENTION

- 20. Specifies that the legislature of each member state applies to Congress to call an Article V convention proposing amendments to the U.S. Constitution limited to the subject matter of proposing ratification of the balanced budget amendment. (Sec. 1)
- 21. Petitions Congress to refer the balanced budget amendment to the states for ratification by three-fourths of their legislatures. (Sec. 1)
- 22. States that this article does not take effect until at least three-fourths of the several states are member states. (Sec. 1)

DELEGATE APPOINTMENT, LIMITATIONS AND INSTRUCTIONS

23. Requires the member state to be entitled to three delegates to represent its sovereign interest at the convention. (Sec. 1)
24. Specifies that the governor, speaker of the House of Representatives and president of the Senate of the member state or their designee are appointed in an individual capacity to represent the member state at the convention as its sole delegates. A majority vote of the delegation must decide any issue at the convention on behalf of the member state. (Sec. 1)
25. Allows for a delegate to be replaced or recalled by the legislature of their state at any time for good cause such as misconduct or violation of the compact. If a delegate is recalled, they must vacate the convention and return to their state's capitol. (Sec. 1)
26. Allows for the power and authority of a delegate to be exercised after the convention is first called by Congress and the appointment is accepted by an oath. (Sec. 1)
27. States that the term of a delegate starts upon acceptance of appointment and terminates upon the permanent adjournment of the convention, replacement or forfeiture. Any person formerly serving as a delegate must withdraw from and stop participation at the convention. (Sec. 1)
28. Limits the power and authority of any delegate appointed to:
 - a. Introducing, debating, voting upon, rejecting or proposing for ratification the balanced budget amendment; and
 - b. Introducing, debating, voting upon, rejecting or proposing for ratification the balanced budget amendment. (Sec. 1)
29. Prohibits a delegate of any member state to introduce, debate, vote upon, reject or propose for ratification any constitutional amendment at the convention unless:
 - a. The convention rules specified in this compact govern the convention and their actions; or
 - b. The constitutional amendment is the balanced budget amendment. (Sec. 1)
30. Clarifies that the power and authority of any delegate doesn't include any power or authority associated with any other public office. A person who serves as a delegate must take a temporary leave of absence or will be deemed disabled from any other public office while attending the convention. Any action taken by a delegate that is in violation of this rule is void. (Sec. 1)
31. Requires that each delegate of every member state must ensure that the convention rules govern before introducing, debating, voting, rejecting or proposing any ratification of constitutional amendments. Every delegate must vacate the convention and notify the compact administrator if the rules are not adopted to govern the convention. (Sec. 1)
32. Stipulates that if any member state or delegate violates any provision of this compact, every delegate of that state forfeits their appointment, and they must cease participation at the convention and return to their state's capitol. (Sec. 1)
33. Allows for a delegate to be reimbursed of reasonable expenses for attending the convention from their member state. No delegate may accept any other form of compensation for their services. (Sec. 1)

CONVENTION RULES

34. Mandates that the convention must be organized, construed and conducted as a body representing and constituted by several states. (Sec. 1)

35. Requires the agenda of the convention to be focused on introducing, debating, voting upon, rejecting or proposing for ratification the balanced budget amendment under the convention rules. (Sec. 1)
36. Specifies that states must be represented at the convention through appointed delegates. The number, identity and authority of the delegates must be determined by the compact. No more than three delegates may attend and participate in the convention on behalf of any state; and they must have a copy of this compact along with a government issued photo identification card. (Sec. 1)
37. Mandates that each state represented at the convention must have one vote or, if more than one delegate is represented, by the majority vote of that state's delegates. (Sec. 1)
38. Ensures that a majority of the states will constitute a quorum for the transaction of any business on behalf of the convention. (Sec. 1)
39. Specifies the convention must only act as a committee of the whole, chaired by the delegate representing the first member state. Business at the convention including the designation of a secretary, the adoption of parliamentary procedures and the rejection or proposal of any constitutional amendment, requires a quorum to be present and a majority vote. (Sec. 1)
40. Requires that convention proceedings to be temporarily suspended in the case of an emergency, and the commission must relocate or reschedule the convention to resume proceedings. (Sec. 1)
41. Mandates the convention to adopt provisions of the most recent editions of Robert's Rules of Order and the American Institute of Parliamentarians standard code of parliamentary procedures. (Sec. 1)
42. Requires the chair of the convention to transmit certified copies of approved proposed amendments to the compact administrator notifying of the approval and requesting Congress to refer the same for ratification by the states under Article V of the Constitution. (Sec. 1)
43. Specifies that records of the convention must be kept by the chair or secretary. All proceedings and records of the convention must be open to the public. (Sec. 1)
44. Mandates the convention to permanently adjourn upon 24-hours after commencing proceedings or the completion of the business on the agenda. (Sec. 1)

PROHIBITION ON ULTRA VIRES CONVENTION

45. Prohibits member states from participating in the convention unless:
 - a. Congress calls the convention first; and
 - b. The convention rules of this compact are adopted by the convention as its first order of business. (Sec. 1)
46. Allows any proposal or action of the convention to be void and issued by a body that is conducting itself in an unlawful fashion if that proposal or action did the following:
 - a. Violated or was approved in violation of the convention rules or the delegate instructions and limitations on delegate authority;
 - b. Purports to propose a mode of ratification that is not specified in Article V of the U.S. Constitution; or
 - c. Purports to propose the formation of a new government. (Sec. 1)
47. Prohibits all member states from advancing in any proposal or action in the above provision, and ratifies any proposed amendment to the U.S. Constitution other than the balanced budget amendment. (Sec. 1)

RESOLUTION PROSPECTIVELY RATIFYING THE BALANCED BUDGET AMENDMENT

- 48. Requires each member state to adopt and ratify the balanced budget amendment. (Sec. 1)
- 49. Clarifies that this article does not take effect until Congress refers the balanced budget amendment to the states for ratification by three-fourths of the legislatures. (Sec. 1)

CONSTRUCTION, ENFORCEMENT, VENUE AND SEVERABILITY

- 50. Mandates the alteration of local legislative rules, drafting policies and the enactment of legislation adopting this compact to waive, repeal or amend all rules to allow for this compact to take effect. (Sec. 1)
- 51. Specifies that the convention may be held in Dallas, Texas, and commence at 9:00 a.m. on the sixth Wednesday after the effective date of the compact or the enactment date of the congressional resolution calling the convention. (Sec. 1)
- 52. Allows the chief law enforcement officer of each member state to defend the compact from any legal challenge and also seek mandatory civil injunctive relief to enforce this compact if it is challenged. (Sec. 1)
- 53. Mandates that the venue for any legal actions to be in the U.S. District Court for the northern district of Texas or the courts within the boundaries of the District Court. (Sec. 1)
- 54. Allows the Commission to waive venue to allow for a more convenient place of venue that allows for a more convenient enforcement or defense of the compact. The waiver must be limited to the particular action and must be final and binding on each member state. (Sec. 1)
- 55. States that the effective date of this compact and its articles are the date of any event rendering the same effective date or the earliest date permitted by law. (Sec. 1)
- 56. Deems this compact non-severable prior to termination of the compact. If this compact is declared by a court to be contrary to the U.S. Constitution, the member states must withdraw from the compact. If the compact is declared by a court to be in violation of the U.S. Constitution, then it must be enforced as reciprocal legislation enacted by the effected member states. (Sec. 1)
- 57. Mandates that the compact terminate when the compact is fully performed and the U.S. Constitution is amended by the balanced budget amendment. If the amendment doesn't occur within seven years after the first state passes legislation agreeing to be bound to the compact, the compact must terminate as follows:
 - a. The Commission must dissolve and wind up its operations within 90 days, and the compact administrator must give notice of the dissolution to the notice recipients; and
 - b. Upon the completed dissolution of the Commission, the compact must be terminated, repealed and void. (Sec. 1)
- 58. Specifies that Arizona conditionally enacts and agrees to comply with the compact if and when a member state does the following:
 - a. Has passed legislation that manifests consent to the amendment or adopts the compact for a balanced budget; and
 - b. Has given written notice of the passage of the legislation including a certified copy of the legislation to the compact administrator, the Governor or the CEO of each member state. (Sec. 1)
- 59. States that this compact must terminate when the compact is fully performed. In the event that the amendment does not occur by April 12, 2031, the compact must terminate as follows:

- a. The commission must dissolve and wind up its operations within 90 days with the compact administrator giving notice of the dissolution to the compact notice recipients; and
- b. Upon the completed dissolution of the Commission, the compact must be deemed terminated, repealed and void. (Sec. 1)

60. Contains an emergency clause. (Sec. 2)

61. Defines terms. (Sec. 1)

Current Law

Not currently addressed in statute.